

Form PTO-1390

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

P29129

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/567095


INTERNATIONAL APPLICATION NO.
PCT/JP2004/011509INTERNATIONAL FILING DATE
04 August 2004PRIORITY DATE CLAIMED
04 August 2003TITLE OF INVENTION
METHOD OF JUDGING FATIGUEAPPLICANT(S) FOR DO/EO/US
Shigeya SUZUKI, Noriaki HATTORI, and Hirohiko KURATSUNE

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (23) indicated below.
4. ☐ The US has been elected (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d) (4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
"Unexecuted"
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 22 below concern other document(s) or information included:

11. Assignee: KIKKOMAN CORPORATION, of Chiba, Japan
12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ An Application Data Sheet under 37 C.F.R. 1.76.
16. ☐ A substitute specification.
17. ☐ A power of attorney and/or change of address letter.
18. ☒ Figure of Drawing to be published: 2
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154 (d) (4).
21. ☐ A second copy of the English language translation of the international of the international application under 35 U.S.C. 154 (d) (4).
22. ☒ Other items or information:
Cover Letter under 35 U.S.C. 371 and 37 C.F.R. 1.495.
International Application as published in Japanese.
PCT/ISA/210 International Search Report (in English and Japanese).
PCT/RO/101 PCT Request (in Japanese).
PCT/IB/304.
Claim of Priority.

| | | | | | |
|---|--------------|---|--|------------------------------------|--------------|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) Not Yet Assigned 107567095 | | INTERNATIONAL APPLICATION NO. PCT/JP2004/011509 | | ATTORNEY'S DOCKET NUMBER P29129 | |
| 23 <input checked="" type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| Basic national fee..... 300.00 | | | | \$300.00 | |
| 24 <input checked="" type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33 (1)-(4)..... 100.00 All other situations..... 200.00 | | | | \$200.00 | |
| 25 <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a) (2)) has been paid on the international application to the USPTO as an International Searching Authority..... 100.00 International Search Report prepared and provided to the Office..... 400.00 All other situations..... 500.00 | | | | \$400.00 | |
| TOTAL 23, 24 and 25 = | | | | \$900.00 | |
| <input type="checkbox"/> Additional Fee for Specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| -100= | /50 = | | x \$250.00 | \$ 0.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | \$ 0.00 | |
| Claims | Number Filed | Number Extra | Rate | | |
| Total Claims | 13 - 20 = | 0 | x \$50.00 | \$ 0.00 | |
| Independent Claims | 2 - 3 = | 0 | x \$200.00 | \$ 0.00 | |
| Multiple Dependent Claim(s) (if applicable) | | | + \$360.00 | \$ 0.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$900.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ 0.00 | |
| SUBTOTAL = | | | | \$900.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (i)). | | | | \$ 0.00 | |
| Extension of Time fee in the amount of \$ | | | | \$ 0.00 | |
| TOTAL NATIONAL FEE = | | | | \$900.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | | | \$ 0.00 | |
| TOTAL FEES ENCLOSED = | | | | \$900.00 | |
| | | | | Amount to be refunded | \$ |
| | | | | Charged | \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of <u>\$900.00</u> to cover the above fees is included. | | | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. | | | | | |
| c. <input checked="" type="checkbox"/> The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0089</u> . | | | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO CUSTOMER NO. 07055 AT THE PRESENT ADDRESS OF: | | | | | |
| Bruce H. Bernstein GREENBLUM & BERNSTEIN, P.L.C. 1950 Roland Clark Place Reston, VA 20191 (703) 716-1191 | | |  Leslie J. Panerner Reg No. 33,329 Bruce H. Bernstein NAME 29,027 REGISTRATION NUMBER | | |

P29129.P02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shigeya SUZUKI et al.

Mail Stop PCT

Appl. No. : Not Yet Assigned (U.S. National Phase of PCT/JP2004/011509)

I.A. Filed : August 4, 2004

For : METHOD OF JUDGING FATIGUE

**COVER LETTER ACCOMPANYING U.S. NATIONAL STAGE PATENT
APPLICATION FILED UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495****Mail Stop PCT**

Commissioner for Patents

U.S. Patent and Trademark Office

Customer Service Window, Mail Stop PCT

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Sir:

Enclosed is a new National Stage patent application for filing in the U.S. Patent and Trademark Office under 35 U.S.C. 371 and 37 C.F.R. 1.495. The Declaration and Power of Attorney attached thereto are in unexecuted form. A properly executed Declaration and Power of Attorney of the International Application, as filed, will be filed within the period of time set in a Notification to be mailed by the United States Patent and Trademark Office.

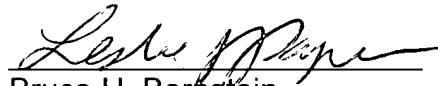
Related to the above, this application should be associated with Customer Number 07055, which includes the present correspondence address as follows:

GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

P29129.P02

If there are any questions pertaining to this National Stage Application, please contact the undersigned.

Respectfully submitted,
Shigeya SUZUKI et al.



Bruce H. Bernstein

Reg. No. 29,027

Leslie J. Paperner

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February 2, 2006
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shigeya SUZUKI et al.

Mail Stop PCT

Appl. No. : Not Yet Assigned (U.S. National Phase of PCT/JP2004/011509)

I.A. Filed : August 4, 2004

For : METHOD OF JUDGING FATIGUE

CLAIM OF PRIORITY

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby claims the right of priority granted pursuant to 35 U.S.C. 119 and 365 based upon Japanese Application No. 2003-285957, filed August 4, 2003. The International Bureau already should have sent a certified copy of the Japanese application to the United States designated office. If the certified copy has not arrived, please contact the undersigned.

Respectfully submitted,
Shigeya SUZUKI et al.



Bruce H. Bernstein
Reg. No. 29,027

Leslie J. Paperner
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February 2, 2006
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